

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE CHIEF ADMINISTRATIVE HEARING OFFICER**

United States of America, Complainant, vs. La Fiesta., dba Las Margaritas (Woodinville), Respondent; 8 U.S.C. Section 1324A Proceeding; Case No. 88100027.

United States of America, Complainant, vs. La Fiesta, Inc., dba Las Margaritas (Kirkland), Respondent; 8 U.S.C. Section 1324A Proceeding; Case No. 88100028.

United States of America, Complainant, vs. El Centenario, Inc., dba Las Margaritas, III, Respondent; 8 U.S.C. Section 1324A Proceeding; Case No. 88100029.

DECISION AND ORDER

On April 7, 1988, separate Complaints Regarding Unlawful Employment, herein called the Complaint, were filed in Case No. 88100027 against La Fiesta, Inc., dba Las Margaritas (Woodinville), in Case No. 88100028 against La Fiesta, Inc., dba Las Margaritas (Kirkland), and in Case No. 88100029 against El Centenario, Inc., dba Las Margaritas, III,¹ herein collectively called the Respondents, by the United States of America, by and through the Immigration and Naturalization Service, herein called Complainant, pursuant to 8 U.S.C. Section 1234a. Attached thereto and incorporated therein is a Notice of Intent to Fine, herein called the Notice, which had previously been served upon the appropriate Respondent, by mail, on March 4, 1988. Notices of Hearing issued on April 14, 1988, setting these cases for hearing in Seattle, Washington, on August 8 through 12, 1988. Subsequently, these cases were consolidated and the hearing rescheduled to November 1, 1988, to continue on consecutive days thereafter as necessary.

The Complaint alleges, as set forth in the Notices, the following violations of Section 274A(a)(1)(B) of the Immigration and Nationality Act, as amended by the Immigration Reform and Control Act of 1986, herein called the Act:

¹The cases were subsequently consolidated.

1. In Case No. 88100027, Respondent La Fiesta, Inc., dba Las Margaritas (Woodinville) on or after November 7, 1987, failed to properly complete Section 2 ('`Employer Review and Verification') and/or require the employee to properly complete Section 1 ('`Employee Information and Verification'') on the Employment Eligibility Verification Form (I-9) for 15 employees.

2. In Case No. 88100028, Respondent La Fiesta, Inc., dba Las Margaritas (Kirkland), on or after November 7, 1987, failed to properly complete Section 2 and/or require the employee to properly complete Section 1 of Form I-9 for 19 employees.

3. In Case No. 88100029, Respondent El Centenario, Inc., dba Las Margaritas, III, on or after November 7, 1986,

- (a) Failed to prepare the Employment Eligibility Verification Forms (I-9) for five employees.
- (b) Failed to properly complete Section 2 and/or require the employee to properly complete Section 1 of Form I-9 for 10 employees.

Further, the Complaint requests that an Order issued directing Respondents to cease and desist from said violations and pay a fine for each of the alleged violations as specified in the Notices.

On September 26, 1988, Complainant and Respondents submitted a Settlement Agreement signed by all parties. Upon a full consideration of said Settlement Agreement, I find that it complies with the requirements of subsection 68.10(b) of the Interim Final Rules Of Practice and Procedure² and fully disposes of the allegations of the Complaint by providing that Respondents cease and desist from any further violations of Section 274A of the Act and pay the compromise sum set forth therein as full settlement and satisfaction of any and all claims set forth in the Complaint. I further find it unnecessary to conduct a hearing to determine the fairness of the agreement.³

Accordingly, the provisions of the Settlement Agreement are accepted as the Consent Findings herein, said Agreement is hereby approved and incorporated herein, the hearing and all prehearing matters previously scheduled are hereby cancelled, and it is hereby ORDERED that Respondents pay the amount stated in the Consent Findings, and all other relief agreed to in the Consent Findings is hereby granted, provided that the Chief Administrative Hearing Officer does not vacate or modify this order pursuant to Section

²52 Fed. Reg. PP. 44971, 44976, November 24, 1987, pp. 44973-44985 (to be codified at 28 C.F.R. Part 68).

³See, subsection 68.10(d) of the Interim Final Rules Of Practice And Procedure, supra.

68.52 of the Rules. IT IS FURTHER ORDERED that this Decision And Order shall have the same force and effect as a Decision And Order issued after a full evidentiary hearing.

Dated: September 29, 1988

EARLDEAN V.S. ROBBINS
Administrative Law Judge